

**OFFICE OF ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

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**Appeal No. 18/2023**

(Against the CGRF-TPDDL's orders dated 06.01.2022 and 18.04.2023 in C.G No. 86/2021 and MA/1/86/2021 respectively)

**IN THE MATTER OF**

Shri Sunil Yadav

Vs.

Tata Power Delhi Distribution Limited

**Present:**

Appellant: Shri Sunil Yadav along with Shri H.B.Jha & Bake Bihari,  
Advocates

Respondent: Shri Ajay Joshi, AGM (Legal) and Ms. Astha Malik, Senior  
Executive, on behalf of the TPDDL

Date of Hearing: 02.08.2023

Date of Order: 03.08.2023

**ORDER**

1. Appeal No. 18/2023 has been filed by Shri Sunil Yadav, R/o Khasra No. 5/21, Ground Floor, Village Libaspur, Block-K, Delhi - 110042, through Shri H.B. Jha, Advocate, against the CGRF-TPDDL's order dated 06.01.2022 and 18.04.2023 in C.G No. 86/2021 and MA/1/86/2021 respectively.

2. The instant case is that the Appellant received a bill of Rs.29,110/- in July, 2021 for an electricity connection bearing CA No. 60026103543 installed at the above-mentioned premises. Out of this, an amount of Rs.28,056/- was reflected as arrears without mentioning any reason. The Discom also increased the load from 1 KW to 6 KW, which he felt was unnecessary. However, he paid the disputed amount of Rs.29,000/- to avoid disconnection of the electricity supply. Subsequently, the



Discom didn't rectify the bill nor reduce the load. He approached the CGRF-TPDDL for getting relief and prayed for (a) an adjustment of Rs.28,056/- raised against the above said electricity connection, (b) reduction of the electric load to 2 KW, (c) compensation of Rs.1.00 lakh on account of mental agony due to deficiency in service on the part of the Discom, and (d) reimbursement of the cost of litigation.

3. The Forum observed that the Discom enhanced the load on the basis of MDI and was in conformity with clause 17(4) of DERC's Regulations, 2017. Differential security amount was charged against the connection, leading to an inflated bill and thus the complaint. The Discom submitted before the Forum that the earlier request of the complainant for load reduction and adjustment of security amount can be considered on the basis of his present requirement. Accordingly, the Forum directed the Respondent to consider the Appellant's application having Diary No. 158 dated 28.07.2021, for reduction of the electric load to 2 KW and adjustment of the security amount against the bill and further directed the complainant to file his ID proof, which he agreed to submit within two days.
4. The Appellant again filed a complaint before the CGRF-TPDDL on 21.03.2023 for compliance of the Forum's order dated 06.01.2022, after a lapse of more than one year and stated that the Discom till date had neither reduced the load nor adjusted the security amount against the bill. Even the connection was also disconnected. In the light of the request for implementation of its order, the Forum treated his complaint as a 'miscellaneous application' vide No.MA/1/86/2021 and, directed the Discom to restore the electric supply within three days.
5. During the proceedings, Respondent submitted before the Forum that the electricity was restored on 13.04.2023. They could not comply with the order of the Forum to reduce the load from 6 KW to 2 KW as the MDI recorded did not meet the requirement as per Regulation 17(4) as his average MDI was 7 KW. For this purpose the MDI readings in December 2020, February, 2021 and March, 2021 were taken into account. The reason for non-compliance of the order had already been intimated to the complainant vide its letter dated 22.01.2022. The record of maximum demand during the years 2021 and 2022 had already been submitted before the Forum. The Respondent also submitted that as per Regulation 17(4) of DERC's Supply Code, 2017, a Load Violation Notice for upward revision of sanctioned load against the electricity connection bearing CA No. 60026103543 had been issued on 30.04.2021.
6. The Forum referred to their earlier order dated 06.01.2022 and stated that it clearly directed the Respondent to consider the application of the complainant filed for load reduction in July, 2021, for the purpose of considering his request for load





reduction (i.e. after the lapse of 6 months as per the Regulations) and to avoid the complainant from re-applying for load reduction. There is no ambiguity in the said order which is clearly worded and is apparently misconstrued by the complainant. The Forum also drew attention to the Respondent's communication dated 22.01.2022 regarding non-compliance of the order. The Forum elaborated Regulation 17(3) and 17 (4) of DERC (Supply Code and Performance Standards) Regulations, 2017 with illustrations in its order dated 18.04.2023. The Forum did not find any merit in the application and dismissed the same.

7. Aggrieved by the order dated 18.04.2023 passed by the Forum, the Appellant filed this appeal with a prayer (a) to direct the Respondent to comply with the Forum's order dated 06.01.2022 (b) to direct the Respondent not to disconnect the electricity supply (CA No. 60026103543). (c) to award compensation of Rs.1.00 lakh for harassment and (d) to pass any such other order in the interest of justice.

8. The Respondent in written submission to the appeal reiterated its stand as before the Forum. In addition, the Respondent submitted that since last year's load was on the higher side, hence, the load reduction from 6 KW to 2 KW could not be done. This was duly apprised to the Appellant vide its Non-Compliance Intimation letter dated 22.01.2022.

9. The appeal was admitted and taken up for hearing on 02.08.2023. During the hearing, the Appellant was present along with counsel, and the Respondent was represented by its Authorized Representatives. An opportunity was given to both to plead their respective cases at length.

10. During the hearing, the Counsel for the Appellant reiterated the same contention as submitted in his appeal. Further, the Appellant stated that though the Respondent acceded to the Forum's order dated 06.01.2022, but, in spite of the submission of ID proof within two days and in blatant violation of the order, the load was not reduced. When it was asked from the Appellant what was the reason for the high consumption, he replied that the premises was rented out to the tenant, and also due to welding work, the consumption was high, and that was also only for three months. On being asked why the Appellant took more than one year for follow-up execution of the Forum's order dated 06.01.2022, whether there is any proof of communication/personal visit or not. The Appellant replied that after submitting ID proof, he did not approach and was waiting for compliance of the order of CGRF. He subsequently made follow-up calls over phone. On 01.03.2023 electricity connection was disconnected because of pending payment he therefore approached the Forum for execution of its order dated 06.01.2022 but they showed lack of jurisdiction for execution vide their order dated 18.04.2023. The Appellant





further submitted that as on date, his electricity bill is 'zero'. When further asked by the Appellant whether he had received any communication regarding the non-compliance of Forum's main order dated 06.01.2022, he denied it.

11. In rebuttal, the respondent reasserted its version as stated in written submissions before this court as well as the Forum. When it was asked about any communication sent to the Appellant regarding non-compliance of the Forum's order, they submitted that the Appellant was duly communicated vide its "Non-Compliance Intimation" letter dated 22.01.2022. Advisor (Engineering) asked for clarification on taking the MDI readings for any consecutive four months during the period January to December, 2021. The Officer present submitted that when reading for load for four (4) consecutive months is not available, using the programming and logic, one preceding month reading is taken into account.

12. Having taken all facts and arguments into consideration, I am of the considered view that express provisions are contained in Regulations 17(3) (load reduction on the request of consumer) and 17(4) (Review of sanctioned load by the licensee) in the DERC (Supply Code and Performance Standards) Regulations, 2017. The regulations enjoins upon the licensee to process the application for load reduction once in six months, and reduction of load shall be limited to the highest average of any four consecutive months' maximum demand readings of the last twelve months. It is also provided that a separate notice for upward or downward revision of sanctioned loads shall be issued by 31<sup>st</sup> May of each/relevant financial year. Failure to issue such notice shall make the licensee pay compensation to the consumer, as envisaged in Schedule-I of the Regulations, without prejudice to the right of the consumer to reduce the load.

There is nothing on record to indicate that any notice for load reduction was issued during the financial year 2022 or 2023 in terms of the directions of the CGRF. Whether the average consumption after July 2021, July 2022 or July 2023 has been taken into account for considering load reduction, as prayed for, is not borne from the record.

13. As stated in the preceding para, as per Regulation 17 (3) (vi) of DERC's Supply Code, 2017, load reduction on the request of the consumer *shall be limited to the highest average of any 4 (four) consecutive months maximum demand reading of the last 12 (twelve) months.*

The reduction of load should be limited to the highest average of any four highest loads of consecutive maximum demand readings of the last twelve (12)



months, i.e. January, 2021 to December, 2021. As per record in this case, four consecutive months in which MDI is recorded as under:

*Figure in KW*

July '21	Aug.'21	Sept.'21	Oct.'21
2.05	2.40	1.48	1.88

As such, average load is 2.465 KW. This Court, therefore, directs:

- (a) The load should be reduced from 6 KW to 2 KW w.e.f. 01.01.2022 and, further revision should be as per regulation 17(4) of 2017, as applicable.
- (b) The Security charges and fixed charges should be adjusted/refunded in next billing cycle.
- (c) CEO may task the I.T. Department to look into the logic/programming (as mentioned in the assertion of Discom) to check the load reduction so that a uniform practice is followed by the Discom.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
03.08.2023